

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PAUL L. THOMPSON,)	
)	
Plaintiff,)	
vs.)	NO. CIV-08-0593-HE
)	
JOHNNY MANN, ET AL.,)	
)	
Defendants.)	

ORDER


Plaintiff Paul L. Thompson, a state prisoner appearing *pro se* and *in forma pauperis*, instituted this action pursuant to 42 U.S.C. § 1983 asserting violations of his constitutional rights. Consistent with 28 U.S.C. §636(b)(1)(B) and (C), the matter was referred for initial proceedings to Magistrate Judge Gary M. Purcell. He has recommended that the court dismiss the action without prejudice due to plaintiff's failure to pay the required initial partial filing fee or to show cause for his failure to do so.

The parties failed to object to the Supplemental Report and Recommendation and thus waived their right to appellate review of the factual and legal issues it addressed. United States v. 2121 East 30th Street, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. §636(b)(1)(C); LCvR72.1.

Accordingly, the court adopts Magistrate Judge Purcell's Supplemental Report and Recommendation [Doc. #30]. The case is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated this 12th day of November, 2008.



JOE HEATON
UNITED STATES DISTRICT JUDGE